

ADVANTAGES GIVEN VETERANS IN PUBLIC EMPLOYMENT

408.210 Definitions for ORS 408.240 to 408.280. As used in ORS 408.240 to 408.280, "military duty" means training and service performed by an inductee, enlistee or reservist or any entrant into a temporary component of the Armed Forces of the United States, and authorized time spent reporting for and returning from such training or service, or, if a rejection occurs, from the place reported therefor; but does not include active duty training as a reservist in the Armed Forces of the United States or as a member of the National Guard of the United States where the call is for a period of 15 days or less.

408.220 [Repealed by 1977 c.854 §5]

408.225 Definitions for ORS 241.240 and 408.225 to 408.235. As used in ORS 241.240 and 408.225 to 408.235.

(1) "Veteran" means a person, other than a person entitled to retirement pay from the United States based on length of military service, who served on active duty with the Armed Forces of the United States for a period of more than 180 consecutive days but not more than the period of initial obligation and one voluntary reenlistment plus any period of involuntary extension, and was discharged or released therefrom with other than a dishonorable discharge; or a person who served on active duty with the Armed Forces of the United States for less than 180 days and was discharged or released therefrom with other than a dishonorable discharge because of a service-connected disability. Attendance at a school under military orders, except schooling incident to an active enlistment or regular tour of duty, or normal military training as a reserve officer or member of an organized reserve or national guard unit shall not be considered active duty.

(2) "Disabled veteran" means a person entitled to disability compensation under laws administered by the United States Veterans Administration for a disability rated as 30 percent or more or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.
[1977 c.854 §1]

408.230 Veterans' preference on civil service examinations. (1) Every veteran and disabled veteran who has successfully completed all phases of a civil service test

shall be allowed preference on the list established as a result of such test. Preference means that to the score of a veteran who has passed a test five points shall be added, and to the score of a disabled veteran who has passed a test 10 points shall be added. All such points shall be added to the total combined test score of the veteran and shall not be allocated to any single feature or part of the examination. Rating shall be based on a scale of 100 points as the maximum attainable.

(2) Any person who has been appointed permanently to a civil service position, granted military leave to serve in the armed services who would qualify as a veteran or disabled veteran and who has returned to duty in a permanent civil service position, shall be allowed such preference on any successfully completed promotion test for a position which would put him in another class having a higher maximum salary rate.

[Amended by 1977 c.854 §3]

408.235 Eligibility for preference; limitation on use. (1) A veteran is eligible to use the preference provided for in ORS 408.230 only for a position for which application is made within 15 years of discharge or release from service in the Armed Forces. Such time limit shall not apply in the case of a disabled veteran.

(2) Once a veteran has used the preference provided for in ORS 408.230 and has successfully completed trial service and attained regular employe status, he may not use the preference again. Such limitation shall not apply in the case of a disabled veteran.

(3) Notwithstanding ORS 408.230 and subsections (1) and (2) of this section, a veteran whose service on active duty in the Armed Forces of the United States occurred entirely on or after October 15, 1976, may not use the preference provided for in ORS 408.230 unless such service occurred while the Armed Forces of the United States were engaged in armed conflict with military forces of another nation.
[1977 c.854 §4]

408.240 Status and rights of public officer and employe during and after military duty. (1) Whenever any public officer or employe leaves a position after June 24, 1950, whether voluntarily or involuntarily, in order to perform military duty, such office or position shall not become vacant, nor shall the officer or employe be subject to removal as a consequence thereof. Unless he dies, resigns or is relieved or discharged from such duty under other than honorable conditions, during

the term for which he was elected, appointed or employed, such officer or employee shall be deemed absent on leave until his release from such active service has permitted him to resume the duties of his office or position. While so absent on leave, he shall not receive the pay or other emolument of such office or position, nor become liable, as such officer or employee, on his official bond or otherwise, for the acts or omissions of any other person.

(2) Subsection (1) of this section does not apply unless the officer or employee, upon the termination of such military duty, is qualified to perform the duties of such position, and makes application within 90 days after he is relieved from such military duty, or from hospitalization continuing after discharge for a period of not more than one year. If he is not qualified to perform the duties of such position by reason of such service, but is qualified to perform the duties of any other public position, the officer or employee shall be restored to such other position, the duties of which he is qualified to perform, as will provide him like seniority, status and pay, or the nearest approximation thereof, consistent with the circumstances in his case.

408.250 Rights and duties of person replacing public officer in military service. During the period any public officer is absent on leave pursuant to ORS 408.240, a substitute shall serve in his place and stead. Such substitute shall be appointed by the authority having power to have appointed him as successor had such office become vacant. He shall qualify by taking an oath of office, and by giving bond in an amount and conditioned as required by law for the officer for whom the substitute has been appointed, or, in the event no bond is required by law, then as the appointing authority directs. He shall be designated by the title of the office, followed by the words "pro tem." He shall be invested with the authority, duties and responsibilities, and shall receive the emoluments of the office, in lieu of the officer for whom he is the substitute.

408.260 Termination of term of office of substitute for officer in military service. When the absence on leave of a public officer, granted by ORS 408.240, has terminated, or a successor has been duly appointed and qualified to fill the vacancy created by the death or resignation of such officer, the appointment of his substitute shall terminate, and the substitute immediately shall deliver to such officer or successor all records and other incidents of the office, together with a full and detailed

statement of accounting covering the entire period of his service as substitute.

408.270 Restoration of employee's seniority and tenure. Upon the termination of any leave granted by ORS 408.240, every public employee shall be restored to his position without loss of seniority or other benefits. It is the intention of the Legislative Assembly that such employee shall be restored in such manner as to give him the status in his employment that he would have enjoyed if he had continued in such employment continuously from the time of his entering the Armed Forces until the time of his restoration to such employment. Any person so restored to his position shall not be discharged from such position without cause within one year after such restoration. Any employee who has not completed his probationary period in his position at the time of leaving for military duty, shall, upon returning to such position, be required to serve the remainder of such probationary period, notwithstanding the granting of continuous time credit for time served in the Armed Forces.

408.280 Reelection of public officer while in military service. Whenever the term of office of an elected public officer expires during his military service in the Armed Forces of the United States for which a leave of absence has been granted to him pursuant to ORS 408.240 and he is reelected to such office, he shall continue in such office and on such leave of absence. The pro tem officer acting in his place and stead shall continue to act in said capacity during the continuation of such leave of absence of such public officer. Whenever the leave of absence of the reelected public officer has terminated, and he has qualified for the resumption of his duties of said office as required by law, and has conformed to the requirements of ORS 408.240, the appointment of his substitute shall terminate in the same manner as provided in ORS 408.260.

408.290 Benefits for public employees on temporary active duty in Armed Forces. (1) Except as provided in subsection (2) of this section, for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, any officer or employee of the state, or of any county, municipality or other subdivision of the state, is entitled, upon application therefor, to a leave of absence

from his duties for a period not exceeding 15 days in any one calendar year, without loss of time, pay or regular leave and without impairment of efficiency rating or other rights or benefits to which he is entitled.

(2) Unless he has been employed by the state or by any county, municipality or other political subdivision of the state for a period of six months next preceding his application, no officer or employe is entitled to receive pay for any period during which he is on military leave.

[Amended by 1955 c.104 §1; 1969 c.368 §1]

COUNTY AID TO VETERANS; MISCELLANEOUS BENEFITS

408.410 Appointment of county service officer; duties. Any county court or board of county commissioners may appoint a service officer who shall give aid and assistance to any veteran, his widow or dependents, in applying to the federal or state veterans agencies for all benefits and aid to which they are entitled by federal, state or local laws, rules and regulations. The court or board shall fix the compensation of the service officer, provide him with an office and the necessary equipment therefor in the same manner as provided for any other county officer, and shall make provision in the budget for the employment of the service officer and the expense for the proper maintenance of such office.

408.420 Recording discharge papers. Each county clerk shall maintain in his office a special book in which he shall, upon request, record the final discharge of any war veteran. No recording fee shall be collected when the war veteran requesting such record is an actual resident of said county or was such a resident at the time of his entrance into the service of the United States. In all other cases a legal fee shall be charged. There shall be kept in connection with such record, an alphabetical index referring to the name of the soldier, sailor or marine whose name appears in each discharge paper so recorded. Such books as are necessary for the recording of the discharge papers shall be paid for by the several counties in the manner provided for paying other claims against the county.

408.430 Free services to veterans rendered by county clerk. The county clerk and the clerk of the county court in each county shall administer all oaths required in

matters of pensions, certify pension vouchers, affix the seal of the county court whenever required, and make and prepare copies of any documents of record in his office and certify thereto any matter required by veterans seeking benefits from any agency or department of the State of Oregon or Federal Government, without any charge, fee or compensation.

408.440 Land of serviceman exempt from foreclosure and judicial sale during war. No suit or action shall be commenced or maintained, during the period provided for in this section, to foreclose any mortgage upon real property, or to collect the debt secured thereby, if the land covered by the mortgage is owned, wholly or in part, by an enlisted man in the Army or Navy of the United States, who enlisted therein in the volunteer forces or who enlisted in the National Guard of the United States and of the State of Oregon and his organization was called into the service of the United States. The lands of any such soldier or sailor shall be exempt from judicial sale for the satisfaction of any judgment during the period provided for in this section. This moratorium shall extend only during the period of actual service in the army or navy forces of the United States, and in no case shall begin prior to the day on which the Congress of the United States declares war, nor continue after 60 days subsequent to the conclusion of such war. All statutes of limitation in effect in this state shall be suspended during the period described in this section, as to such mortgages, debts and judgments.

408.450 Duty to pay fees during military duty. No person in the military or naval service of the United States, or any auxiliary corps thereof, while exercising any privilege in this state by virtue of having paid an annual license or privilege fee to any state board or commission for the right to practice a profession or engage in a trade, shall lose such privilege because of failure to pay any such fee for any subsequent year during the period he is in such service, unless dishonorably discharged therefrom. Upon being discharged from such service under honorable conditions and upon written application within 60 days of such discharge, every such person shall be restored to his former status with respect to any such privilege without the necessity of paying the then current license fee.

408.460 Certain claims payable out of General Fund. Lawful claims payable from the Memorial Fund, 116th Engineers, or the